

REMARKS

Claims 1-20 are pending in the application. With this amendment claim 1 has been amended in order to further define the invention. No new matter has been added. The defined common wall section being parallel to the peripheral wall adjacent thereto is shown Figs. 1, 2A, 2B and 4.

Claims 1, 3-8, 13-14 and 18 have been rejected under 35 U.S.C. §102(b) as being anticipated by Vannoy et al (U.S. Patent No. 5,830,348). The Examiner states that Vannoy teaches a curved edge section and a lateral wall joining in a common wall section as shown in the drawing set forth within the Office Action.

It is respectfully submitted that Vannoy cannot anticipate nor teach or suggest Applicants' claimed common wall section, which is an essential feature of the invention. The common wall section of the invention belongs to both the curved wall section 14 as well as to lateral wall 16, such as shown in Fig. 2A. As further defined in claim 3, the common wall section is part of the lateral wall and forms a lower wall section 18 of the lateral wall.

As claimed in claim 1, lateral wall 16 is strip-shaped and fitted at the inner side of the peripheral wall. As such, the lateral wall extends in a vertical direction, parallel to the peripheral wall and the inwardly curved edge section of the lid bottom merges with the lateral wall distant from the lower end of the lateral wall.

Accordingly, as claimed, the common wall section is parallel to the peripheral wall adjacent to the peripheral wall, as shown in Applicants' noted drawings. To the contrary, the Vannoy common wall cited by the Examiner shows a horizontal connecting section between the curved section and the vertical lateral wall. In the Examiner's Fig. on page 3 of the Office Action, the marked common wall section is clearly a horizontal section and is perpendicular to the lateral wall, and cannot anticipate nor teach or suggest Applicants' claimed common wall section parallel to the peripheral wall.

Such a horizontal section taught by Vannoy is dangerous, because high pressure inside the container can lead to loosening of the lower part of the lateral wall section. As described on page two, first paragraph of the specification, such as a lid taught by Vannoy is subject to upward oriented forces that act on the lid bottom that can lead to loosening of the lid.

Claims 1, 7-12 and 19 are rejected under 35 U.S.C. §102(b) as being anticipated by Covington (U.S. Patent No. 5,301,958). The Examiner states that the curved edge section and lateral wall join in a common wall section and the flat portion between 40 and 42.

It is respectfully submitted that Covington cannot anticipate or teach Applicants' claimed common wall section that is parallel to the peripheral wall of the cartridge container. Covington similar to Vannoy, shows a horizontal connecting section between lateral wall 40 and curved section 42 that is perpendicular to the peripheral wall. The horizontal section of Covington seems to be larger than even the horizontal section of Vannoy.

Claims 1 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by Holt (U.S. Patent No. 5,690,814). The Examiner states that Holt teaches a curved edge section and lateral wall joining in a common wall section tapering inwards in a forming region as shown in Fig. 3.

It is respectfully submitted that Holt cannot anticipate nor teach or suggest independent claim 1. In Fig. 3 of Holt, a curved connecting section without a reference number is shown between lateral wall 66 and lid bottom 64. The connecting section is similar to that shown in the Vannoy reference. However, wall 66 is a section of the lid bottom which is not fitted at the inner side of the peripheral wall. The Holt fitting is different from Applicants' claimed cartridge container and lid fitting as the Holt lid bottom extends outwardly and comprises outer wall 68 and retaining lip 72, which are fitted to radial flange 60 of wall 12 of the Holt container. Moreover, Holt cannot anticipate nor teach or suggest the claimed common wall section parallel to the peripheral wall adjacent thereto as set forth in claim 1.

Claims 1-2 and 16-17 are rejected under 35 U.S.C. §102(b) as being anticipated by Wilkinson (U.S. Patent No. 2,294,261). The Examiner states that Wilkinson teaches a curved edge section and a lateral wall that join in a common wall section tapering inwards in a forming region as shown in Fig. 2.

It is respectfully submitted that Wilkinson also cannot anticipate nor teach or suggest Applicants' independent claim 1. Wilkinson teaches a removable lid or cover as set forth on page 1, column 1, lines 7 and 8 which has an annular ceiling gasket 36

between the lid and the edge of the container, as shown by the combinations of Figs. 2, 3 and 4. The cover includes a circular rim 32, the inner surface 33 of which coacts with the rounded outer surface 34 of the beading 30 when the cover is drawn down tightly into the closed position as shown on page 2, column 1, lines 30-53. The lateral wall shown on page 6 of the Office Action by the Examiner is an arbitrarily selected wall which is not, as claimed in independent claim 1, fitted at the inner surface of the peripheral wall of container 10. Accordingly, it is respectfully submitted that Wilkinson cannot anticipate nor teach or suggest the claimed invention.

It is respectfully submitted that the claimed invention is in condition for allowance and a notice of such is earnestly solicited. Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned would be greatly appreciated in order to expedite allowance of the application.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. L.P.A.



Daniel J. Hudak, Jr.
Registration No. 47,669

DJHjr/dp

2020 Front Street, Suite 307
Cuyahoga Falls, OH 44221
330-535-2220

Attorney Docket No.: FMW-CQ-PCT-US (B 1872 US)